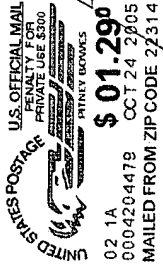
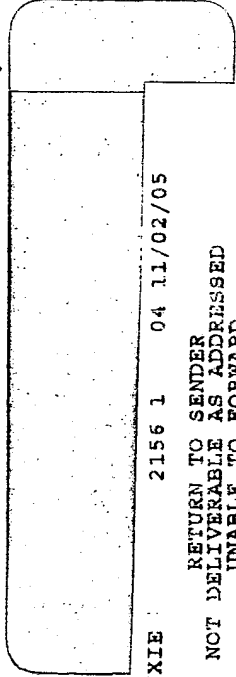


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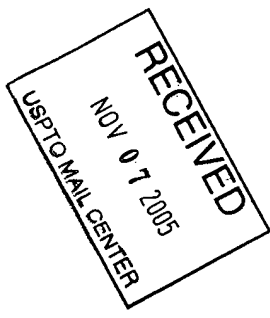
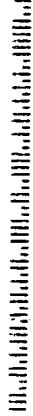
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,089	07/22/2003	Jay S. Walker	97-054-C2	8766

7590

10/24/2005

Dean P. Alderucci
Five High Ridge Park
Stamford, CT 06905

EXAMINER

AGWUMEZIE, CHARLES C

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 10/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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NOV 08 2005

Office Action Summary	Application No. 10/625,089	Applicant(s) WALKER ET AL.	
	Examiner Charlie C. Agwumezie	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 185-194 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 185-191 and 193 is/are rejected.
- 7) ☒ Claim(s) 192 and 194 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/02/04; 03/22/04; 03/25/04; 07/22/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 185-194, are pending and has been examined.

Claim Objections

Claims 192 and 194, are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Furthermore, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd Pat.App. & Inter. 1987). Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11

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F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 185-191 and 193 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, 10-12 of U.S. Patent No. **6,598,024**.

Although the conflicting claims are not identical, they are not patentably distinct from each other.

Claim 1 of the U.S. Patent No. 6,598,024 is obvious variant of claims 185 and 193 of the current application since the only difference is a mathematical variation of U.S. Patent 6,598,024. Round-up amount is mathematical equivalent of proportional to the round-up amount.

Claim 186 is verbatim copy of Patent claim 2; Claim 187 is a verbatim copy of Patent claim 3; Claim 188 is a verbatim copy of Patent claim 4; Claim 189 is a verbatim

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copy of Patent claim 5; Claim 190 is obvious variant of Patent claim 11; Claim 191 is verbatim copy of Patent claim 12.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify claims 1-5 and 11-12 of the U.S. Patent No. 6,598,024 by adding and/or removing the limitations resulting generally in the claims of the present application since the present application and the claims recited in U.S. Patent No. 6,598,024 actually perform the same or similar function. It is well settled that the omission of an element and its function is an obvious expedient if the remaining elements perform the same function as before. *In re Karlson*, 136 USPQ 184 (CCPA 1963; Also note *Ex parte Rainu*, 168 USPQ 375 (Bd. App. 1969). Omission of a reference element whose function is not needed would be obvious to one of ordinary skill in the art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on **(571) 272 – 6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Any response to this action should be mailed to:

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Or faxed to:

(571) 273-8300. [Official communications; including After Final communications labeled "Box AF"].

(571) 273-8300. [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"].

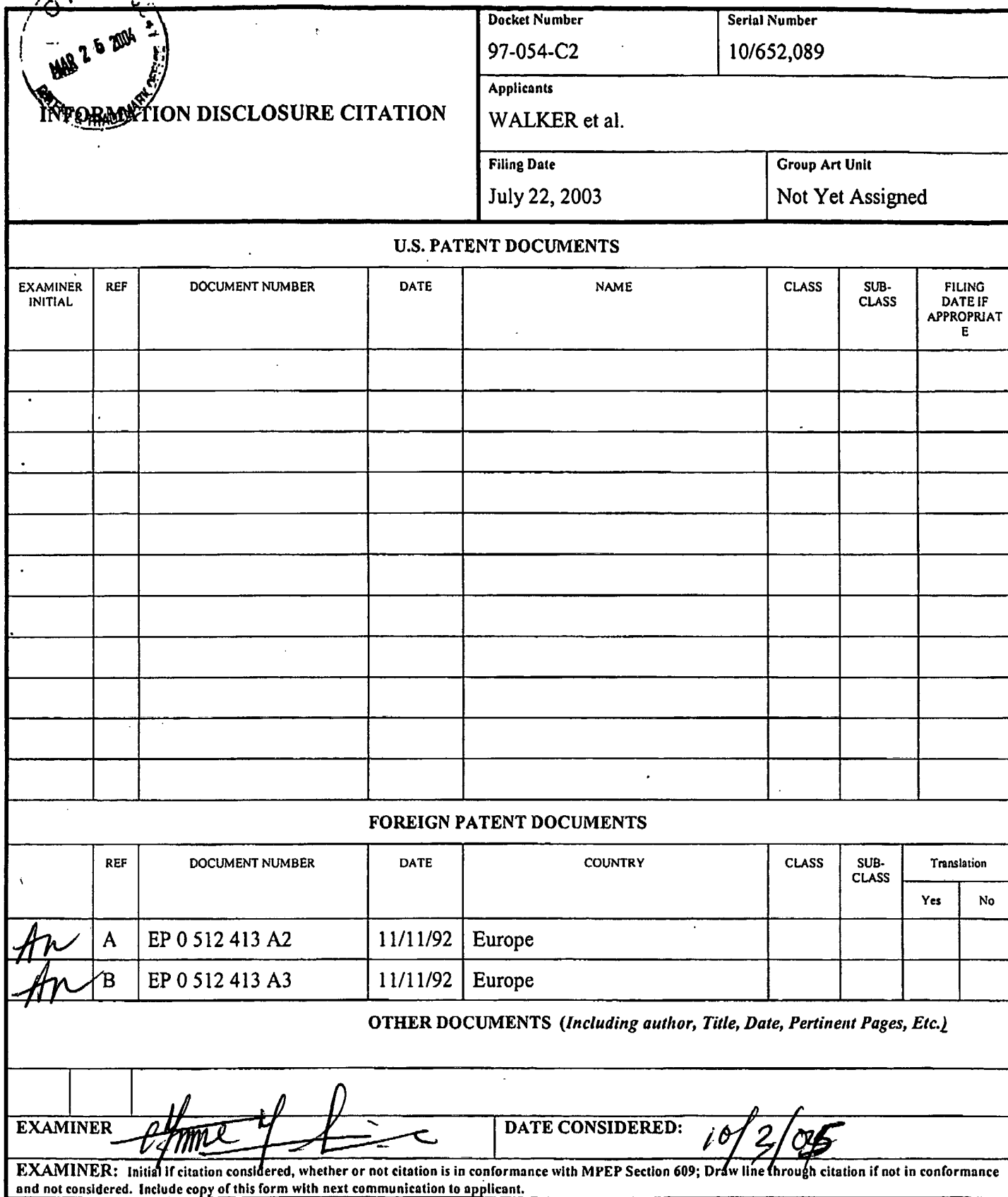
Hand delivered responses should be brought to the Examiner in the Knox Building, 50 Dulany Street Alexandria VA.

acc
October 6, 2005

James Trammell
Primary Examiner
362

Application/Control Number: 10/625,089
Art Unit: 3621

Page 6





INFORMATION DISCLOSURE CITATION

Docket Number

97-054-C2

Serial Number

10/625,089

Applicants

WALKER et al.

Filing Date

July 22, 2003

Group Art Unit

Not Yet Assigned

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIAT E
Am	A	5,398,932	03/21/95	Eberhardt et al.	273	138 A	
	B	5,417,424	05/23/95	Snowden et al.	273	138 A	
	C	5,687,322	11/11/97	Deaton et al.	395	214	
	D	5,772,510	06/30/98	Roberts	463	17	
	E	5,999,914	12/07/99	Blinn et al.	705	26	
	F	6,080,062	06/27/00	Olson	463	42	
	G	US 6,267,670 B1	07/31/01	Walker et al.	463	17	
Am	H	US 6,582,304 B2	06/24/03	Walker et al.	463	17	

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No
Am	I	JP 600251498	12/12/85	Japan			X	
Am	J	Hei 2[1990]-289000	11/28/90	Japan			X	

OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)

Am	K	Herman, Ken, "Auchan Cashes in on Lottery", Houston Post, July 1, 1992, Section A, pg. 15, Col. 5.					
EXAMINER:				DATE CONSIDERED: 10/4/05			

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION	Docket Number 97-054-C2	Serial Number Not Yet Assigned
	Applicants WALKER et al.	
	Filing Date July 22, 2003	Group Art Unit Not Yet Assigned

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIAT E



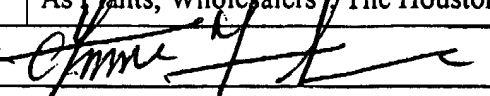
FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No
<i>Am</i>	A	JP57086974	05/31/82	Japan				
	B	EP 0 085 546	08/10/83	Europe				
	C	EP 0 109 189 A1	10/13/83	Europe				
	D	JP2171891	07/03/90	Japan				
	E	JP2197998	08/06/90	Japan				
	F	JP2278399	11/14/90	Japan				
	G	JP4095198	03/27/92	Japan				
	H	JP4260914	09/16/92	Japan				
	I	JP 5252363 A	09/21/93	Japan (Abstract)				
	J	JP8147545	06/07/96	Japan				
	K	WO 96/34358	10/31/96	PCT (Abstract)				
<i>Am</i>	L	WO 96/36926	11/21/96	PCT				

OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)




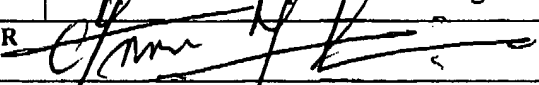
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An	M	JP8329350	12/13/96	Japan				
/	N	WO 97/28510	08/07/97	PCT				
/	O	WO 97/35441	09/25/97	PCT				
/	P	JP10031792	02/03/98	Japan				
An	Q	JP 11-505343	05/18/99	Japan				
OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)								
An	R	Brochure, "Introducing the Digital MenuBoard", Siren Technologies, Inc., (www.sirentech.com).						
/	S	Rehayem, Gilbert, "Opinion: X-Press Betting", Information Systems & Technology, Ontario Lottery Corp.						
/	T	Brochure: "Reaching Out In New Directions", First Data Corporation, Merchant Services, undated.						
/	U	"Cape Town", Reuters Ltd, November 8, 1979, PM Cycle.						
/	V	"Save the mark", Financial Times (London), February 1, 1983, Section I, Men & Matters at Pg. 12.						
An	W	Cook, Louise, "ConsumerWatch Clip, Snip, Save", The Associated Press, March 12, 1984, Business News Section.						
EXAMINER				DATE CONSIDERED: 10/4/05				
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		Applicants WALKER et al.	
		Filing Date July 22, 2003	Group Art Unit Not Yet Assigned
OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)			
	X	"Major Appliances: Tappan unveils microwave oven feature preprogrammed controls.", HFD, September 10, 1984, pg. 103.	
	Y	"POS spectrum: a lottery looks to POS for growth", UMI, Inc., POS News, January 1989, Vol. 5, No. 7, Pg. 8, ISSN: 0896-6230, CODEN: BHORAD.	
	Z	Kuttner, Robert, "Computers May Turn The World Into One Big Commodities Pit", Business Week, September 11, 1989, Section: Economic Viewpoint, No. 3123 at Pg.	
	AA	Schrage, Michael, "An Experiment In Economic Theory; Labs Testing Real Markets", The Record, November 26, 1989, Section: Business at Pg. B01.	
	BB	"Let's Play the Cash Register Receipts Lottery", The New York Times, December 25, 1990, Section 1, Pg. 30, Column 4, Editorial Desk.	
	CC	Del Rosso, Laura, "Marketel says it plans to launch air fare 'auction' in June; Marketel International Inc.", Travel Weekly, April 29, 1991, Section: Vol. 50, No. 34, Pg. 1, ISSN: 0041-2082.	
	DD	"Philips offers customers financing through Citicorp; Philips Medical Systems North America, Citicorp North America Inc." Health Industry Today, June 1991, Section: Vol. 54, No. 6, Pg. 4, ISSN: 0745-4678.	
	EE	Pelline, Jeff, "Travelers Bidding On Airline Tickets SF firm offers chance for cut-rate fares" The San Francisco Chronicle, August 19, 1991, Sections: News at Pg. A4.	
	FF	Del Rosso, Laura, "Ticket-bidding firm closes its doors; Marketel International; Brief Article", Travel Weekly, March 12, 1992, Section: Vol. 51, No. 21, Pg. 1, ISSN: 0041-2082.	
	GG	"Coupons get serious; supermarkets use barcodes to prevent misredemptions", Chain Store Age Executive with Shopping Center Age, October 1992, Section: Vol. 68, No. 10, Pg. 68, ISSN: 0193-1199.	
	HH	"Winn-Dixie/The Salvation Army Report Contributions For War Against Hunger", PR Newswire, June 10, 1993, Section: Financial News.	
	II	Jones, Jeanne, "Data Readers Streamline Management; Scanner Technology Aids Retailers As Well As Plants, Wholesalers" The Houston Post, June 26, 1994, Section: Business at Pg. D1.	
EXAMINER 		DATE CONSIDERED 10/4/85	
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		97-054-C2	Not Yet Assigned
		Applicants	
		WALKER et al.	
		Filing Date	Group Art Unit
		July 22, 2003	Not Yet Assigned
OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)			
<i>Am</i>	JJ	Fiorini, Phillip, "No Place For Penny?"/Smallest coin doesn't make cents to some", USA Today, July 29, 1994, Section: News at Pg. 1A.	
	KK	Smith, Alison, "Survey of UK Consumer Credit and Asset Finance", Financial Times, November 3, 1994, Section: Pg. VI.	
	LL	Andreoli, Tom et al., "Cash Machines Offer A Whole Lotto Money For Withdrawl; An Unfortunate Juxtaposition; Block That Metaphor!; Something Street Talk; Fishy In Springfield; State Street Sears?; Champion As Underdog; A 'Whole Language' Graduate", Crain's Chicago Business, June 19, 1995, Section: News at Pg. 8.	
	MM	"Spain: BBV launches new card", Cards International, June 22, 1995 at Pg. 5.	
	NN	Greene, Jan, "Farm bills please assns; National Grocers Association", Supermarket News, Vol. 35, Load-Date: June 30, 1995.	
	OO	Knippenberg, Jim, "Psst! Will local radio empires strike back?", The Cincinnati Enquirer, July 23, 1995, Section: Tempo at Pg. F01.	
	PP	Silverman, Gene, "Planning and using infomercial campaigns effectively", Direct Marketing, September 1995, Vol. 58, No. 5, pg. 32(3).	
	QQ	Brochure, "Cyber Bid", Net Fun Ltd., Copyright 1996.	
	RR	McKinney, Jeff, "Merchant program could pay off for Provident", The Cincinnati Enquirer, March 24, 1996, Section: Financial, pg. E02.	
	SS	Raab, David M., "Package Aids Catalog Management", DM News, April 22, 1996, Section: Software Review, pg. 14.	
	TT	Hadley, Kimberly, "Pastors praying anti-arson effort will burn bias", The Nashville Banner, July 26, 1996, Section: News at Pg. A13.	
<i>Am</i>	UU	Gapper, John, "NatWest reports rise in bad debt", Financial Times, July 31, 1996, Section: News: UK; at Pg. 09.	
EXAMINER <i>[Signature]</i>		DATE CONSIDERED: <i>10/4/03</i>	
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		Applicants WALKER et al.	
		Filing Date July 22, 2003	Group Art Unit Not Yet Assigned
OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)			
<i>Am</i>	VV	"LYNX TECHNOLOGY: Lynx to provide business leasing programme through Schroder Leasing", M2 Presswire, August 9, 1996.	
	WW	Taylor, Paul, "Towards a dream market", Financial Times (London), September 4, 1996, Section: Survey - FT IT; at Pg. 03.	
	XX	"Bigger Plans (Provident Bank, issuer of MeritValue customer loyalty card, plans to offer program in 25 cities in six months)", Card Fax, October 7, 1996, Vol. 96, No. 178, pg. 2.	
	YY	Fickenscher, Lisa, "Amex to Start Free Rewards Program with Discounts on Merchandise", The American Banker, October 18, 1996, Section: Credit/Debit/ATMs, pg. 10.	
	ZZ	Fitzgerald, Kate, "Amex Program Moves Loyalty to Next Level: Custom Extras Finds a Medium Customers Can't Ignore: Billing Statements", Advertising Age, November 4, 1996, Section: News, pg. 2.	
	AAA	Bonnici, Joseph et al., "Consumer issues in coupon usage: An exploratory analysis", Journal of Applied Business Research, Winter 1996/1997, Section: Vol. 13, No. 1, pp. 31-40, ISSN: 0892-7626, CODEN: JPBEBK.	
	BBB	Quittner, Jeremy, "Ohio's Provident brings its discount card to Fla.", American Banker, February 11, 1997, Vol. 162, Issue 28, pg. 11, 1/3p., ISSN: 0002-7561.	
	CCC	Symons, Allene, "Lucky, Sav-on debut Rewards Card.", Drug Store News, February 17, 1997, Vol. 19, Issue 4, p3, 2p, 1c, ISSN: 0191-7587.	
	DDD	Mckeveny, Alexander, "Giving them a good reason.", Bank Marketing, March 1997, Vol. 29, Issue 3, p37, 4p, 4c, ISSN: 0888-3149.	
	EEE	Singletary, Michelle, "Electronic World, Unchecked Problem? U.S. Move to Paperless Payments Raises Worries About Those Who Don't Use Banks", The Washington Post, March 4, 1997, Section: Financial at Pg. C01.	
<i>Am</i>	FFF	Fickenscher, Lisa, "Merchant: American Express Seeks to Mine Its Data on Cardholder Spending Patterns", The American Banker, March 24, 1997, Section: Credit/Debit/ATMs, pg. 20.	
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		Filing Date July 22, 2003	Group Art Unit Not Yet Assigned
OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)			
	GGG	"Dispensing the Future", Electronic Payments International, May 1997, Section: Feature, pg. 12.	
	HHH	"Avco Financial Services", National Home Furnishing Association, (http //www homefurnish comNHFA/avco htm), download date: May 23, 1997.	
	III	Website, "Catalina Marketing Corporation", (http //catalinamktg com/procdcd htm), download date: May 29, 1997.	
	JJJ	Riordan, Teresa, "Patents; A novel approach to making a better spermicide harks back to some old-fashioned methods", The New York Times, June 9, 1997, Section D, Pg. 2, Column 1, Business/Financial Desk.	
	KKK	"Industry Briefs", Card News, June 9, 1997, Section: Vol. 12, No. 11.	
	LLL	Naim, Geoff, "The key to your identity: Falling costs will allow fingerprint verification to be widely used, reports Geoff Naim", Financial Times (London), July 15, 1997, Section: Technology; at Pg. 12.	
	MMM	"The United Computer Exchange, How It All Works", (http //www uce com/howitworks html), download date: July 23, 1997.	
	NNN	"Classified 2000: The Internet Classifieds", Classifieds2000, Inc., (http //www classifieds2000 com/cgi-cls/Display exe?C2K+aboutus), download date: August 6, 1997.	
	OOO	"General trading information and terms provided by tradingfloor.com", (http //www tradingfloor com/info htm), download date: August 14, 1997.	
	PPP	"NASDAQ", Information Sheet, (http //home axford com/corfin/corfl 1 htm), download date: August 15, 1997.	
	QQQ	Hoeschen, Brad, "Brookfield Square hopes mall card strikes a chord", Business Journal-Milwaukee, September 12, 1997, Section: Vol. 14, No. 50, pg. 19.	
	RRR	Website: "NCR 7452 Workstation -- Beyond Traditional POS", (http //www ncr com/product/retail/products/catalog/7452 shtm), download date: September 23, 1997.	
EXAMINER 		DATE CONSIDERED: 10/4/05	
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ELECTRONIC INFORMATION DISCLOSURE STATEMENT

Electronic Version v18
Stylesheet Version v18.0

Title of
Invention

METHOD AND SYSTEM FOR PROCESSING
SUPPLEMENTARY PRODUCT SALES AT A POINT-OF-
SALE TERMINAL

Application Number: 10/625089
Confirmation Number: 8766
First Named Applicant: Jay WALKER
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or 6292786 or 6321210 or 4876592 or 4902880
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or 5371796 or 5539189 or 5564546 or 5619558
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